

Marriage Equality in Washington State

Produced by the Seattle Commission for Sexual Minorities

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Recent Historical Timeline

In 2006, the Washington Supreme Court upheld the constitutionality of the state's Defense Against Marriage Act (DOMA) but indicated the Legislature is not prohibited from granting the civil rights afforded to married couples to same-sex couples. (*Andersen v. King County*)

During the 2007 Legislative Session, the Legislature and Governor Gregoire created a Domestic Partnership Registry for same-sex couples and opposite-sex couples where one of the individuals is over 62 years old. Couples who register were afforded a very limited bundle of rights - mainly focused on hospital visitation and burial rights.

In 2008, the Legislature and Governor Gregoire greatly expanded the scope of the law, adding over 160 of the state rights and responsibilities of marriage to domestic partnerships. The expanded rights included access to community property rules, required court dissolution proceedings, and applied domestic violence laws to registered couples.

In 2009, the Legislature fully expanded the scope of the law in a bill bringing domestic partnerships equal under state law to marriages in the state – domestic partnerships are now "equal to marriage except in name." The bill passed the legislature on April 15, 2008 and Governor Gregoire signed the bill on May 18, 2009. The law goes into effect in July 26, 2009 unless a referendum puts the bill on the November 2009 election ballot.

*Note that some of the rights in the 2009 expansion bill have a delayed implementation date of 2014. Those with fiscal impacts were given a later effective date because of the state budget crisis.

Where Do We Go From Here?

- The Washington Legislature has minimally considered a marriage equality bill in the last several years. The main level of consideration has been in the form of a bill being introduced in the legislature. The 2009 versions of the civil marriage bill included 40 co-sponsors in the House (50 votes are needed for passage in the House) and 8 co-sponsors in the Senate (25 votes are needed for passage in the Senate).

Voter Efforts: Referendum or Initiative

- Every time the legislature passes a bill any citizen can file for referendum on the bill. If the required signatures (120,577 this year) are gathered within 90 days of the Legislature's adjournment then a vote on the bill occurs at the next November election.
 - On May 4, 2009 the Washington Values Alliance has filed for a referendum on the Domestic Partnership Expansion Bill. It will be referendum 71 on the November statewide ballot if the petition drive is successful.

- Signatures cannot be gathered until after the Governor signs the bill (done on 5.18.09), the Attorney General releases a ballot title (done on 5.18.09), after a mandatory 5 day period where any citizen can challenge the ballot title (last day to file complaint in Thurston County is 5.26.09), and after any court proceedings on ballot title challenges.
- An Initiative
 - Good News:
 - The number of signatures needed for an initiative is related to the number of votes casts in the last gubernatorial election. Because turnout in 2008 was much higher than in previous years, the number of signatures required is several thousand higher than in previous years. (~240,000 signatures)
 - Washington State does not have a constitutional revision process like California. Initiatives in Washington only create laws – they don't amend the Constitution. Therefore, an initiative cannot enshrine discrimination in our state constitution. Additionally, since Washington State already has a DOMA law the initiative probably won't be to ban same-sex marriage (though it could reaffirm DOMA). Most likely an initiative will be an attempt to repeal the domestic partnership registry.
 - Bad News:
 - An initiative could come at any point any year in the near future.